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PTO/SB/30 (5/2000)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

RCE/16366
#171508
6/11/02

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/582,779
Filing Date	7/3/00
First Named Inventor	POMPEJUS et al.
Group Art Unit	1636
Examiner Name	Loeb
Attorney Docket Number	48715

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on 11/29/01 (C. of Mailing)
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 11-0345
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other ANY DEFICIENCY IN FEES
- b. ☒ Check in the amount of \$ 740.00 enclosed IT IS BELIEVED THAT NO FURTHER EXTENSION FEES
- c. ☐ Payment by credit card (Form PTO-2038 enclosed) ARE DUE IN VIEW OF THE LATE RECEIPT OF THE 11/29/01 AMENDMENT.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Herbert B. Keil	Registration No. (Attorney/Agent)	18,967
Signature	<i>H. B. Keil</i>	Date	February 25, 2002

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CERTIFICATE OF MAILING OR TRANSMISSION

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Herbert B. Keil
Signature	<i>H. B. Keil</i>
Date	February 25, 2002

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6/11/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

POMPEJUS et al.

Serial No. 09/582,779

Filed: July 3, 2000

Art Unit: 1636

Examiner: Loeb

For: OROTIDINE-5'-PHOSPHATE DECARBOXYLASE GENE, GENE CONSTRUCT
COMPRISING THIS GENE AND ITS USE

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Date of Deposit Karen Stamper

Person Making Deposit

Signature *Karen Stamper*
February 25, 2002

Date of Signature

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

AMENDMENT

Sir:

In response to the office action of August 24, 2001, kindly amend the above-
identified application as follows in the present RCE.

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